

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42487 of 2025

Arising Out of PS. Case No.-105 Year-2025 Thana- KALYANPUR District- Samastipur

Umesh Rai @ Umesh Ray Son of Late Gopichander Rai R/O Vill.- Tira
Jatmalpur, P.S.- Kalyanpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar, Adv.

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 09-07-2025 Heard Learned Counsel for the petitioner and

Learned APP for the State.

2. The present Criminal Miscellaneous Application has been filed under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of anticipatory bail to the petitioner who apprehends his arrest in connection with Kalyanpur P.S. Case No.105 of 2025 lodged on 25.03.2025, for the offences punishable under Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act.

3. As per the prosecution, the total recovery of 119.6 litres of illicit liquor has been made from a seized car, which is the subject matter of the present case.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that the said recovery has not been made from



conscious possession of the petitioner and his name has been transpired only on suspicion of *Chowkidar*. Counsel further submits that criminal antecedent of the petitioner is not clean as there are two cases relating to Excise Act, pending against him in which he is on bail.

5. Counsel further submits that the petitioner is neither driver nor owner of the seized car and he was not present at the place of occurrence.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that criminal antecedent of the petitioner is not clean as there are two cases relating to Excise Act, pending against him and this aspect must be taken into consideration.

7. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

8. However, trial court is directed to consider the regular bail application of the petitioner, if he surrenders within 4 weeks from today and prays for regular bail, then trial court shall pass order on merit without being prejudice of the present order preferably on the same day.

(Dr. Anshuman, J.)

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